

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. OF 2012.

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Public Interest Litigation (PIL).

AND

IN THE MATTER OF:

1. Human Rights and Peace for Bangladesh (HRPB), represented by its President, Advocate Manzill Murshid, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioners.

-VERSUS-

1. Bangladesh represented by the Secretary, Ministry of Health, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

2. The Secretary, Ministry of Food, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

3. The Inspector General of Police (IGP), Police Head Quarter, Ramna, Dhaka, Bangladesh.

4. The Director General (D.G.), Rapid Action Batalian (RAB), RAB Head Quarter, Uttara, Dhaka, Bangladesh.

5. The Director General, Bangladesh Standard Testing Institute (BSTI), 116/A Tejgaon Industrial Area, Dhaka-1208, Dhaka, Bangladesh.

6. The Deputy Commissioner, Dhaka, Post and District-Dhaka, Bangladesh.

.....Respondents.

AND

IN THE MATTER OF:

Inaction of the respondents to take necessary steps to stop producing, marketing and sale of adulterate fruit juice namely Mango, Orange, Lemon, Strawberry, Lichi, Apple, Pineapple and Fruit cocktail produced by Pran company which is dangerous to the health of the children as we as citizens of the country.

G R O U N D S

I. For that the duty and responsibility vested upon the administration to perform the duties for the people. The respondents are also duty bound to obey the provision of law. It is the duty of an officer to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as vested upon them. Hence respondents may be directed to take necessary steps to take immediate steps to stop produce, marketing and sale of adulterate fruit juice.

II. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to observe the constitution and the laws. Under the present situation the provision of Article 21 of the Constitution of Bangladesh has been violated.

III. For that the fruit juice is essential for the children living in the country. So at this stage there is no alternative to stop produce, marketing and sale of adulterate fruit juice.

IV. For that disregard to laws and legal provisions and failure to ensure proper steps the respondents have caused enough threat to the life of the citizen and adversely affecting to the right to life. Under these circumstances the respondents are legally bound to take all necessary steps to take necessary steps stop produce, marketing and sale of adulterate fruit juice. Hence a direction may be given upon the Respondents to take appropriate steps to stop produce, marketing and sale of adulterate fruit juice.

V. For that without any precautions to save the health of the citizen, the respondents has sent the life of the people in a dangerous situation, which is violation Article 18(1) of the Constitution of Bangladesh. Moreover the right to life is a fundamental right guaranteed under Article 32 of the Constitution of Bangladesh but it is violating by way of failure to stop marketing and sale of adulterate fruit juice.

Wherefore, it is most humbly prayed that Your Lordships would graciously be pleased to;-

a) Issue a Rule Nisi calling upon the Respondents to show cause as to why inaction of the respondents to take necessary steps to stop producing, marketing and sale of adulterate fruit juice namely Mango, Orange, Lemon, Strawberry, Lichi, Apple, Pineapple and Fruit cocktail produced by Pran company of drug or medical preparation, which is dangerous to the health of the citizens, should not be declared illegal and without lawful authority

And

Why a direction should not be given upon the respondents to stop producing, marketing and sale of adulterate fruit juice namely Mango, Orange, Lemon, Strawberry, Lichi, Apple, Pineapple and Fruit cocktail produced by Pran company

b) Pending hearing of the Rule direct the Respondent 1 and 2 to issue an order within 24 hours directing all the Deputy Commissioner (D.C.) to form mobile court immediately to stop marketing and sale of adulterate fruit juice namely Mango, Orange, Lemon, Strawberry, Lichi, Apple,

Pineapple and Fruit cocktail produced by Pran company.

c) Pending hearing of the Rule direct the Respondent no. 6 to form adequate mobile court within 24 hours in Dhaka City and seize all fruit juice namely Mango, Orange, Lemon, Strawberry, Lichi, Apple, Pineapple and Fruit cocktail produced by Pran company and destroy it as soon as possible and file a compliance report within two weeks before this court through registrar of the Supreme Court of Bangladesh

d) Pending hearing of the Rule direct the Respondent no. 3 and 4 to issue order within 24 hours to all its unit to deploy force as per the demand of the Mobile court in every district level and also continue monitoring so that no one can sale fruit juice namely Mango, Orange, Lemon, Strawberry, Lichi, Apple, Pineapple and Fruit cocktail produced by Pran company in the market and shop.

Present Status

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents. The matter is pending before the Hon'ble High Court Division.
